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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,659	12/21/2001	Leif O. Erickson	57347US002	2702
32692	7590	11/06/2003	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			OSELE, MARK A	
			ART UNIT	PAPER NUMBER

1734

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,659

Applicant(s)

ERICKSON, LEIF O.

Examiner

Mark A Osele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9-13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla (5,330,125). Dylla et al. '656 shows a method and apparatus for applying a splicing tape to a roll of sheet material comprising: lifting a portion of an outermost layer from a remainder of the roll (column 2, lines 21-24); cutting the leading edge (column 2, lines 24-28); applying splicing tape to a wound portion of the roll (column 2, lines 35-41, 43-48); and applying pressure with a roller to the lifted portion to progressively place the lifted portion of the outermost layer into contact with the splicing tape (column 7, lines 6-13). Dylla et al. '656 fails to show the end lifted against the force of gravity away from the remainder of the roll.

Dylla '125 teaches that a vacuum sheet engaging mechanism, 9, used to lift an outermost layer of the roll can have the dual function of tearing the outermost layer at the perforation and lifting the leading flap (column 1, line 60 to column 2, line 8). Dylla '125 further teaches that this system does not result in any scrap being created and therefore the system does not need handling and disposal means for the scrap (column 2, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sheet engaging mechanism of Dylla '125 to tear and lift the outermost layer of web on the roll and bring it to the adhesive applying plate of

Dylla et al. '656 because Dylla '125 teaches that this system requires fewer devices than systems including cutting and scrap removal.

Regarding claim 12, Dylla '125 teaches that a perforator cuts across the outermost web to create the line of perforation (column 2, lines 62-68).

3. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla '125 as applied to claims 1 and 9 above and further in view of Wienberg et al. (5,916,651). As shown in paragraphs 3 above, the references as combined show a method and apparatus for applying a splicing tape to a roll of sheet material but fail to show the particular location for the splicing tape on the roll.

Wienberg et al. shows the use of a splicing tape having a first section and a second section wherein the outermost layer covers the first section of the splicing tape and the second section remains exposed adjacent the outermost layer (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dual section splicing tape of Wienberg et al. in the method of the references as combined because Wienberg et al. shows that a single tape can be used to both hold down the leading edge of the outermost layer and bond the roll to a new roll in the splicing operation, thereby eliminating two tapes for those separate purposes.

4. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dylla et al. '656 in view of Dylla '125 as applied to claims 1 and 9 above and further in view of McCormick et al. (5,524,844). As shown in paragraph 2 above, the references

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as combined show a method and apparatus for applying a splicing tape to a roll of sheet material but fail to show a hold down roller.

McCormick et al. shows that a hold down roller on the outermost layer is part of the system that reduces wrinkling (column 3, lines 36-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the hold down roller of McCormick et al. into the apparatus of the references as combined to ensure that the web roll is free of wrinkles.

Allowable Subject Matter

5. Claim 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: There is no suggestion or motivation in the prior art for using two pressing rollers on the outermost web to adhere it to the tape. In addition, there is no prior art showing the plurality of sheet engagement mechanisms each with a vacuum source and a roll sensor.

Claim Objections

7. Claim 1 is objected to because of the following informalities: Line 3, "portion" is misspelled. Appropriate correction is required. In addition claim 1 is listed as being

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(Currently Amended) but there does not appear to be any amendment from the original claim. Clarification is required.

Response to Arguments

8. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 703-308-2063. The examiner can normally be reached on Mon-Fri 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

After December 18, Mark Osele's phone number will be 571-272-1235 and Richard Crispino's phone number will be 571-272-1226.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



**MARK A. OSELE
PRIMARY EXAMINER**

November 3, 2003